



Docket No.: 249206US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/784,160
Applicants: Tsuneaki KONDOH, et al.
Filing Date: February 24, 2004
For: FIXING MEMBER AND IMAGE FORMING
APPARATUS USING THE SAME
Group Art Unit: 1773
Examiner: ZACHARIA, R.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 249206US3



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TSUNEAKI KONDOH, ET AL. : EXAMINER: ZACHARIA, R.
SERIAL NO: 10/784,160 :
FILED: FEBRUARY 24, 2004 : GROUP ART UNIT: 1773
FOR: FIXING MEMBER AND IMAGE :
FORMING APPARATUS USING THE
SAME

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated September 8, 2005, Applicants elect the invention of Group I, identifying Claims 1-9 as readable thereon.

The Restriction Requirement is respectfully traversed based on MPEP §803, which states:


... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, the outstanding Restriction Requirement is respectfully traversed on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the Requirement to elect a single invention be withdrawn, and that a full examination on the merits of Claims 1-18 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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